

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2003-293-C - ORDER NO. 2004-215
APRIL 22, 2004

IN RE: Savannah Valley Cablevision, Inc.,)	
)	
Complainant,)	
)	ORDER GRANTING
vs.)	REQUEST FOR LEAVE
)	TO TAKE DEPOSITION
West Carolina Rural Telephone Cooperative,)	
Inc. and West Carolina Communications,)	
LLC,)	
)	
Respondents.)	
_____)	

This matter comes before the Public Service Commission of South Carolina (the “Commission”) on the Request of West Carolina Rural Telephone Cooperative, Inc. (“WCRTC”) and West Carolina Communications, LLC (“WCC”) (collectively, the “Respondents”) for leave to take deposition of Jennings McAbee and Diane Shaffer (the “Deponents”) pertaining to certain subjects of the complaint filed by Savannah Valley Cablevision, Inc. (“SVC”) against the Respondents. The Respondent’s Request was filed pursuant to Rules 30 of the South Carolina Rules of Civil Procedure, 26 S. C. Ann. Regs. 103-852 and 103-854, and other applicable rules of practice and procedure of the Commission. The complaint of SVC against WCRTC and WCC was filed with the Commission October 1, 2003, alleging that the Respondents have violated provisions of S.C. Code Ann. Sections 58-9-250 and 58-9-320 and 26 S.C. Reg. 103-603.

The Respondents filed their Request for Leave to take Deposition with the Commission on April 7, 2004, and by their Request, the Respondents seek to establish the facts, if any, known to Deponents that support the allegations made and claims asserted in SVC's complaint. Additionally, Respondents seek facts relating to SVC's interests in bringing the complaint. The Respondents state that upon information and belief the Deponents, Mr. McAbee and Ms. Shaffer, share General Manager responsibilities for SVC.

According to the Respondents, the proposed depositions will be taken upon oral examination, for discovery and/or use as evidence for this proceeding, and be taken before a Notary Public or before some other officer authorized by law to take depositions, and said deposition to continue from day to day until completed. The Respondents give the date, time and location for the requested depositions to be held as: Diane Shaffer, April 15, 2004, 10:00 a.m., Offices of the McNair Law Firm, P.A., 1301 Gervais Street, Suite 1100, Columbia, South Carolina 29201; Jennings McAbee, April 15, 2004, 11:00 a.m., or as soon thereafter as the deposition of Ms. Shaffer is concluded, Offices of the McNair Law Firm, P.A., 1301 Gervais Street, Suite 1100, Columbia, South Carolina 29201. According to the Respondents, the preceding information was noticed to all parties. If the stated date and time for the depositions are not convenient to all parties, the Respondents request permission to reschedule the depositions and notify the Commission of same. WCRTC and WCC respectfully request this Commission issue an order authorizing Respondents to take the depositions of Jennings McAbee and Diane Shaffer.

R.103-852 of the Commission's Rules and Regulations provides that any party of record to a proceeding may, by written request, ask the Commission for leave to take the testimony of any witness by deposition. The request shall set forth the facts the requesting party seeks to establish by the deposition. Such written request shall be filed with the Commission at least 10 days prior to the commencement of the scheduled hearing. The requesting party shall give notice by providing a copy of the written request to each party of record to the proceeding. If the Commission deems the request meritorious, it may issue an Order designating the individual whose deposition may be taken, specifying the subject matter of the examination, and setting forth the time and place of such deposition, and whether it shall be written or oral examination. Other discovery procedures not covered in R. 103-850 through 103-852, are governed by the S. C. Rules of Civil Procedure.

Upon consideration of the Motion for Leave to take Deposition, the Commission hereby grants the Motion. We find that the Respondents have satisfied the requirements of R. 103-852.

IT IS THEREFORE ORDERED THAT:

1. The Motion for Leave to take Deposition filed by West Carolina Rural Telephone Cooperative, Inc. and West Carolina Communications, LLC is hereby granted.

2. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

/s/
Mignon L. Clyburn, Chairman

ATTEST:

/s/
Bruce F. Duke, Executive Director

(SEAL)